

John C. Theiss, WSBA #24488  
**TRUSS FABER PC**  
1126 34<sup>th</sup> Avenue, Suite 312  
Seattle, WA 98122  
Telephone: (206) 752-8255  
Facsimile: (833) 422-0237

JUDGE STANLEY A. BASTIAN

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON  
AT SPOKANE**

KEY TRONIC CORPORATION, a  
Washington corporation,

Plaintiff,  
vs.

SKYBELL TECHNOLOGIES, INC.,  
a Nevada corporation, and  
ALARM.COM, a Delaware  
corporation,

Defendants.

Case No. 2:23-cv-00237-SAB

MOTION FOR ENTRY OF  
DEFAULT AGAINST  
DEFENDANT ALARM.COM

Without Oral Argument

Under Rule 55 of the Federal Rules of Civil Procedure and Local Civil Rule 55, Plaintiff Key Tronic Corporation (“Key Tronic”) respectfully moves this court for an entry of default against Alarm.com, Inc. (“Alarm.com”). Attached as Exhibit 1 is the declaration of counsel for Key Tronic, Steven P. Vaughn.

Plaintiff Key Tronic Corporation filed its Complaint for Breach of Contract, Breach of Implied Covenant of Good Faith and Fair Dealing, Indemnification, and Promissory Estoppel against Defendant SkyBell Technologies, Inc. on August 18, 2023. ECF No. 1. SkyBell was served with the summons and complaint on August

MOTION FOR ENTRY OF DEFAULT  
AGAINST DEFENDANT ALARM.COM

1 31, 2023. ECF No. 11.

2  
3 On September 19, 2023, Key Tronic filed its First Amended Complaint,  
4 adding Defendant Alarm.com. ECF No. 7. Defendant Alarm.com was served with  
5 the First Amended Complaint on September 20, 2023. ECF No. 9. Defendant  
6 SkyBell was served with the First Amended Complaint on September 21, 2023. ECF  
7 No. 10.

8 Defendant Alarm.com filed Notices of Appearance on September 29 and  
9 October 10, 2023. ECF Nos. 12, 13.

10  
11 On December 13, 2023, Key Tronic filed its Second Amended Complaint,  
12 adding additional factual allegations against both parties and adding a tortious  
13 interference claim against Defendant Alarm.com. ECF No. 28. Defendant  
14 Alarm.com was served with the summons and Second Amended Complaint on  
15 December 19, 2023. ECF No. 33. Defendant SkyBell was served with the summons  
16 and Second Amended Complaint on December 21, 2023. ECF No. 32; *see* Decl. of  
17 Steven P. Vaughn.

18  
19 On January 5, 2024, Plaintiff notified Alarm.com by letter pursuant to Local  
20 Civil Rule 55 that Plaintiff intended to seek an entry of default. *See* Decl. of Steven  
21 P. Vaughn.

22  
23 On January 9, 2024, Plaintiff filed a Stipulated Motion to Extend the Time  
24 for SkyBell and Alarm.com to Respond to the Second Amended Complaint, to  
25 January 19, 2024, while the parties engaged in settlement discussions. ECF No. 34.  
26 The Court granted that motion on January 11, 2024, ordering that “Defendants may  
27 respond to Plaintiff’s Second Amended Complaint no later than January 19, 2024.”  
28

ECF No. 35.

Pursuant to Local Civil Rule 55, Key Tronic respectfully moves this Court for an entry of default against Defendant Alarm.com. Local Rule 55 provides: “Upon motion, the Clerk of Court shall enter the default of any party against whom a judgment for affirmative relief is sought and who has failed to plead or otherwise defend.” L. Civ. R. 55. Defendant Alarm.com had until January 19, 2024, per the Court’s January 11 Order, ECF No. 35, to respond to Plaintiff’s Second Amended Complaint. As of the filing of this motion, Defendant Alarm.com has not responded to the Second Amended Complaint.

Dated: January 22, 2024.

**TRUSS FABER PC**

By /s/John C. Theiss

John C. Theiss, WSBA No. 24488

Steven P. Vaughn, IL Bar No. 6327728

1126 34<sup>th</sup> Avenue, Ste. 312

Seattle, WA 98122

Phone: (206) 752-8255

Facsimile: (833) 422-0237

Email: [john@trussfaber.com](mailto:john@trussfaber.com)

Email: [steven@trussfaber.com](mailto:steven@trussfaber.com)

***Attorneys for Plaintiff Key Tronic Corporation***

**CERTIFICATE OF SERVICE**

I certify that on the date indicated below I caused a copy of the foregoing document, MOTION FOR ENTRY OF DEFAULT AGAINST DEFENDANT ALARM.COM, to be filed with the Clerk of the Court via the CM/ECF system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing to the following attorneys of record:

Gwendolyn C. Payton  
John R. Neeleman  
1420 Fifth Ave., Suite 3700  
Seattle, WA 98101  
[gpayton@kilpatricktownsend.com](mailto:gpayton@kilpatricktownsend.com)  
[jneeleman@kilpatricktownsend.com](mailto:jneeleman@kilpatricktownsend.com)

Dated: January 22, 2024.

**TRUSS FABER PC**

By /s/John C. Theiss  
John C. Theiss, WSBA No. 24488  
Steven P. Vaughn, IL Bar No. 6327728  
1126 34<sup>th</sup> Avenue, Ste. 312  
Seattle, WA 98122  
Phone: (206) 752-8255  
Facsimile: (833) 422-0237  
[john@trussfaber.com](mailto:john@trussfaber.com)  
[steven@trussfaber.com](mailto:steven@trussfaber.com)  
***Attorneys for Plaintiff Key Tronic Corporation***